

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB3712</b>
<b>Version:</b>	<b>FA2</b>
<b>Request Number:</b>	<b>10681</b>
<b>Author:</b>	<b>Rep. Kannady</b>
<b>Date:</b>	<b>3/13/2024</b>
<b>Impact:</b>	<b>\$0</b>

**Research Analysis**

The floor substitute for HB3712 makes numerous changes to the Oklahoma Military Code.

The measure updates provisions related to the powers, duties, qualifications, pay and retirement benefits of the Adjutant General and clarifies the Governor's role as Commander in Chief of the Militia. To become the Adjutant General, the appointee must be a current Oklahoma National Guard (ONG) member with at least three years of service. The Adjutant General will also receive the same pay and retirement benefits as a Major General. The measure also grants the Adjutant General the power to administer rules to allow the Oklahoma Military Department to accept donations to create a scholarship program for ONG members and the power to oversee all fire and police units within the OMD and appoint police officers. All federal programs of the OMD are also exempt from all state information technology division requirements.

The measure also removes a prohibition on state-provided compensation or allowances to ONG members outside of state active duty pay and creates the ONG Supplemental Retirement Pay Revolving Fund beginning November 1, 2026. These funds may be used for ONG members that are not old enough to receive their full retirement pay, but have at least 25 years of service. The payments will be 50 percent of the member's average basic pay with adjustment for cost of living increases and would begin when the member becomes eligible for retirement benefits from the Defense Finance Accounting Service and end when federal retirement benefits commence.

Additionally, the measure limits who can use rank reduction as a nonjudicial punishment, provides the Governor with the sole authority to reappoint previously dismissed officers and requires the Governor's consent when a federal official convenes court-martial proceedings. Only a brigadier general or the Adjutant General may reduce the rank of an E-8 or E-9 member and only a colonel can reduce the rank of a E-7 or lower as punishment.

Lastly, the measure updates several provisions regarding crimes, punishments and unallowed acts by members subject to the Oklahoma Uniform Code of Military Justice. Violent crimes against a spouse or intimate partner and crimes of forgery may be punished as directed by a court-martial. Furthermore, it is unlawful for any member of the state military forces to knowingly ingest marijuana.

**DIFFERENCES BETWEEN FLOOR SUBSTITUTE AND COMMITTEE SUBSTITUTE VERSION**

The floor substitute changed the creation date of the ONG Supplemental Retirement Pay Revolving Fund from November 1, 2024 to November 1, 2026 and strike existing law that prohibited state-provided compensation or allowances to ONG members outside of state active duty pay.

Prepared By: Stefne Miller

**Fiscal Analysis**

The floor amendment to HB 3712 modifies various responsibilities of the Adjutant General and clarifies certain provisions related to the Oklahoma Military Department. This measure also creates the Oklahoma National Guard Supplemental Retirement Pay Revolving Fund. This fund is designated to provide payments to certain National Guard members who have not yet reached retirement age. As written, no funds are provided to this revolving fund, thus this measure has no direct fiscal considerations for the state.

Prepared By: Jay St Clair, House Fiscal Staff

**Other Considerations**

None.